

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:06CR252
Plaintiff,)	
)	
vs.)	ORDER
)	
RICARDO NAVARRETE-NAVARRETE,)	
)	
Defendant.)	

This matter is before the court on defendant Ricardo Navarrete-Navarrete's (Navarrete-Navarrete) motion for leave to file pretrial motions out of time (Filing No. 42). The court held a telephone conference with counsel on October 30, 2006. Assistant United States Attorney John E. Higgins represented the United States and Donald L. Schense represented the defendant. During the telephone conference, counsel for the defendant stated the defendant wished to proceed to trial, but wished to file a motion to suppress. Counsel for the United States had no objection. The motion will be granted.

IT IS ORDERED:

1. The plea hearing previously set for October 31, 2006 (Filing No. 30) is cancelled.
2. The defendant Ricardo Navarrete-Navarrete shall have to **on or before November 2, 2006**, in which to file any pretrial motions.
3. An evidentiary hearing on any pretrial motions is scheduled for **1:30 p.m. on November 7, 2006**, in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant shall be present for such hearing.
4. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **October 31, 2006, and November 2, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that the defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 31st day of October, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge